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Connecticut.. laws, statutes, etc.

LAWS

OF THE

STATE OF CONNECTICUT,

RELATING TO

LIBRARY OF CONGRESS,
LAW
DEPARTMENT.
CITY OF WASHINGTON.

EDUCATION.

PUBLISHED BY AUTHORITY.

HARTFORD:
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LIBRARY OF CONGRESS,
1898.
CITY OF WASHINGTON.

At a General Assembly of the State of Connecticut, holden at New Haven, in said State on the first Wednesday in May, in the year one thousand eight hundred and sixty-eight.

Two resolutions directing the publication of all laws relating to Education.

Resolved by this Assembly: That the Comptroller, be, and he is hereby directed to furnish each of the School Districts in this State, with a copy of all the Laws now in force relating to Education.

Approved, July 31st, 1868.

Resolved by this Assembly: That the Secretary of State, be directed to publish at once all the Laws passed at the present session, in regard to the matters pertaining to Education, and furnish a copy of the same to the selectmen, town clerk, and acting school visitor in each town in this State.

Approved, August 1st, 1868.

LAWS OF THE STATE OF CONNECTICUT,

CONCERNING

EDUCATION.

CONSTITUTION OF CONNECTICUT.

ARTICLE VIII, OF EDUCATION.

SEC. 1. The charter of Yale College, as modified by agreement with the corporation thereof, in pursuance of an act of the general assembly, passed in May, 1792, is hereby confirmed. Charter of Yale College.

SEC. 2. The fund, called the SCHOOL FUND, shall remain a perpetual fund, the interest of which shall be inviolably appropriated to the support and encouragement of the public, or common schools, throughout the state, and for the equal benefit of all the people thereof. The value and amount of said fund shall, as soon as practicable, be ascertained, in such manner as the general Assembly may prescribe, published, and recorded in the comptroller's office; and no law shall ever be made, authorizing said fund to be diverted to any other use than the encouragement and support of public, or common schools, among the several school societies, as justice and equity shall require. School Fund.

AN ACT CONCERNING COMMUNITIES AND CORPORATIONS.

GENERAL PROVISIONS RESPECTING COMMUNITIES.

SEC. 232. The warning of every meeting of any borough, city, ecclesiastical society, school society, school district, or other public community, shall specify the objects for which such meeting is to be held. 1849. Warnings to specify objects of the meeting.

SEC. 233. In the absence of any special appointment, the first selectman of any town, and the first trustee or committee man 1860. Agents of communities and corporations.

of any religious, ecclesiastical, literary, or eleemosynary society, and the committee of any school district, shall be the agent, ex-officio, of his respective community or corporation.

Disturbance of meetings, how punished.

SEC. 234. All towns, societies, and other communities, when lawfully assembled, shall have power to choose a moderator to preside in said meetings, unless a presiding officer for said meeting shall have been appointed in conformity to some other statutory provision, and if any person shall, by noise, tumult, quarreling, or by any other unlawful act, disturb such meeting, or prevent it from proceeding in an orderly and peaceable manner, to the choice of a moderator, or after the appointment or choice of a moderator, shall vilify and abuse him, or interrupt him in the discharge of his duty, or, after he has commanded silence, shall speak in the meeting without liberty from the moderator, unless it be to ask reasonable liberty to speak, he shall forfeit to the treasury of the town where the offense is committed, a sum not less than one dollar nor more than seven dollars, according to the nature of the offense.

Aggravated offenses.

SEC. 235. All offenses against the provisions of this chapter may be heard and determined by a justice of the peace, unless aggravated by some high-handed breach of the peace, in which case the offender shall be bound by such justice of the peace to the next superior court, to answer for the offense, which court may impose a fine upon him, according to the aggravation of the offense, not exceeding thirty-four dollars, to the use of the treasury of such county.

Moderator may order disorderly persons into custody.

SEC. 236. The moderator of such meetings, and the presiding officer in electors' meetings, whenever any disorders are committed in the meeting punishable by law, and the offender or offenders shall refuse to submit to his lawful authority, shall have power to order any sheriff, deputy sheriff, or constable, to take the offender, or offenders, into custody, and, if necessary, to remove him or them out of such meeting, until he or they shall conform to order, or if need be, until such meeting shall be closed, and thereupon such officer shall have power to command all necessary assistance, as in cases of preserving the peace and suppressing riots, and any person, refusing to assist when commanded, shall be liable to the same penalties as for refusing to assist sheriffs and constables in the execution of their offices; but no person commanded to assist shall be deprived of his right to act in the meetings, nor shall the offenders be so deprived any longer than they refuse to conform to order.

Power of officer to command assistance.

All questions to be decided by a major vote.

SEC. 237. All questions in such meetings shall be decided by a major vote of the qualified members present, and whenever there shall be an equal vote, the question shall be decided by the moderator.

PROVISIONS RELATING TO PARTICULAR CORPORATIONS.

ACADEMIES.

SEC. 253. Any number of individuals in any town in this state, may associate for the purpose of establishing or maintaining an academy school, and being so associated shall, on complying with the provisions of this section, be a body politic and corporate; may choose a president and other officers; may enact by-laws to regulate the affairs of such corporation not inconsistent with the laws of this state, or of the United States, and compel the due observance thereof by suitable penalties; may sue and be sued, and do all other acts necessary and proper for the well ordering the affairs of such corporation, and may purchase and hold real or personal estate of a value not exceeding ten thousand dollars; but before any such association shall be entitled to the privileges herein granted, it shall lodge with the secretary of this state a copy of its articles of association.

1838. Academy schools, how incorporated.

[In addition, June 28th, 1867.]

LITERARY AND SCIENTIFIC ASSOCIATIONS AND LIBRARY COMPANIES.

SEC. 1. Any number of individuals in any town or city, may associate for literary or scientific purposes, or for the purpose of establishing a public library; and being so associated, shall, on compliance with the provisions of this section, be a body politic and corporate; may choose a president and other officers; may hold so much property as may be necessary for the purposes aforesaid; may enact by-laws for regulating the affairs of such corporation, not inconsistent with the laws of this State, and compel the due observance thereof by suitable penalties; may sue and be sued, and do all acts necessary and proper for the well ordering of the affairs of such corporations; but before such association shall be entitled to the privileges herein granted, it shall lodge with the secretary of this State a copy of its articles of association.

Associations for literary and scientific purposes, and for establishing public libraries, how incorporated.

AN ACT CONCERNING CRIMES AND PUNISHMENTS.

OF OFFENSES AGAINST PUBLIC PROPERTY.

SEC. 37. Every person, who shall willfully and maliciously burn any state-house, court-house, county-house, town-house, arsenal, magazine, prison, common jail, workhouse, poor-house, market, or other building, belonging to this state, or to any county, town, city, or borough, in this state, or any church, chapel, meeting-house, or other building generally used for

Burning public building.

religious worship, or any college, academy, school-house, or other building generally used for literary instruction, shall suffer imprisonment in the Connecticut state prison, for a term not less than seven nor more than ten years.

Attempt to burn public building.

SEC. 38. Every person, who shall willfully attempt to burn, or conspire with others to burn any state-house, court-house, county-house, town-house, arsenal, magazine, prison, common jail, work-house, market, or other building belonging to this state, or to any county, town, city, or borough in this state, or any church, chapel, meeting-house, or other building generally used for religious worship, or any college, academy, school-house, or other building generally used for literary instruction, shall suffer imprisonment in the Connecticut state prison, for a term not less than two nor more than five years.

Breaking windows, &c., in public buildings in night season.

SEC. 39. Every person, who shall, in the night season, willfully and maliciously break any window, or door, in any state-house, court-house, house of public worship, town house, college, school-house, or other public building, shall be punished by fine, not exceeding seven dollars, or by imprisonment in a common jail, not exceeding thirty days, or by such fine and imprisonment both.

1832. Injuries to public buildings and furniture.

SEC. 40. Every person, who shall willfully and maliciously injure, or deface, any house of public worship, school-house, or other public building, or shall willfully and maliciously injure, destroy, or carry away, any stove, stove-pipe, chair, table, or other furniture, situate in and belonging to any house of public worship, school-house, or other public building, or shall willfully and maliciously injure, destroy, or carry away, any public lantern, light, or lamp, shall be punished by fine, not exceeding seventeen dollars, or by imprisonment in a common jail, not exceeding ninety days, or by such fine and imprisonment both.

OF OFFENSES AGAINST DECENCY AND MORALITY.

1857. Interrupting or disturbing schools.

SEC. 214. Every person who shall, at any time, willfully interrupt or disturb any district school, or any public, private, or select school, while the same is in session, shall pay a fine not exceeding seven dollars, nor less than one dollar, or shall suffer imprisonment in a common jail not exceeding thirty days, or shall pay such fine and suffer such imprisonment both.*

AN ACT CONCERNING THE DOMESTIC RELATIONS.

OF THE EDUCATION AND GOVERNMENT OF CHILDREN.

Children to be instructed.

SEC. 43. All parents, and those who have the care of children, shall bring them up in some honest and lawful calling, or

* This section includes singing schools. State *v.* Gager, 26 C. R. 607. What constitutes a school. State *v.* Gager, 28 C. R. 232.

employment, and shall instruct them, or cause them to be instructed, in reading, writing, English grammar, geography, and the elements of arithmetic.

If neglected, selectmen may bind them out.

SEC. 44. The selectmen, in their respective towns, shall inspect the conduct of the heads of families, and if they find any who neglect the education of the children under their care, they may admonish them to attend to their duty, and if they continue to be negligent, whereby the children grow rude, stubborn, and unruly, they shall, with the advice of a justice of the peace, take such children from their parents, or those who have the charge of them, and bind them out to some proper master, *or to any suitable charitable institution or society incorporated and existing in this state for the care and instruction of such children*, males till twenty-one, and females till eighteen years of age, that they may be properly educated, and brought up in some lawful calling and employment.

Stubborn children, how corrected.

SEC. 45. Whenever any children, or minors, shall be stubborn and rebellious, and shall refuse to obey the commands, and resist the authority of their parents, or of those who have the charge of them, the parents, or those who have the charge of them, or any informing officer, may make complaint to two justices of the peace, in the town where the parties live, and such justices may issue a warrant, and cause such children to be apprehended and brought before them; and if, on due inquiry, they shall find them to be guilty, they may sentence them to be committed to the house of correction, in the town where they live; or if there be none in that town, to the common jail in the county, to remain confined, at hard labor, so long as said justices of the peace shall judge proper, not exceeding thirty days; but said justices, on the reformation of such children, may, at any time after the commitment, order their release, and return to their parents, or to those who have the charge of them.

1859. Police courts to have concurrent jurisdiction.

SEC. 46. The police courts, in all cities, where jurisdiction in criminal cases is committed to said courts, or to the judges thereof, shall have concurrent jurisdiction with said two justices of the peace, of all complaints which may be made under the forty-fifth and ninety-sixth sections of this chapter, against parties residing within the limits of such cities respectively; and said complaints may be instituted, and proceeded with, before said police courts in all respects, as like complaints before said two justices of the peace.

1842. Children under fifteen years of age not to be employed in labor, unless instructed in school three months, &c.

SEC. 47. No child, under the age of fifteen years, shall be employed to labor in any manufacturing establishment, or in any other business in this state, unless such child shall have attended some public or private day school, where instruction is given by a teacher qualified to instruct in orthography, reading, writing, English grammar, geography, and arithmetic, at least three months of the twelve, next preceding any and every year, in which such child shall be so employed; and the owner, agent, or superintendent, of any manufacturing establishment, who shall employ any child in such establishment, contrary to the provis-

ions of this section, shall forfeit, for each offense, a penalty of twenty-five dollars, to the treasurer of the state.

Certificate of teacher evidence.

SEC. 48. A certificate, signed and sworn to by the instructor of the school, where any child may have attended, that such child has received the instruction aforesaid, shall be deemed sufficient evidence of the fact; and the school visitors of the several towns, personally, or by a committee by them appointed, annually, and as often as they shall think proper, shall examine into the situation of the children employed in the several manufacturing establishments in their respective towns, and ascertain whether the foregoing requirements are duly observed, and report all violations thereof to some informing officer, to the intent that prosecutions may be instituted therefor; and all informing officers shall prosecute for all such violations.

Duty of school visitors.

1865. Towns may make and enforce by-laws respecting truants and vagrant children.

SEC. 56. Each town shall make all needful provisions, and arrangements, concerning habitual truants, and also concerning children wandering about the streets, or public places, of any city, or town, having no lawful occupation, or business, nor attending school, and growing up in ignorance, between the ages of seven and sixteen years; and shall also make such by-laws, respecting such children, as shall be most conducive to their welfare, and the good order of such city, or town; and suitable penalties shall be annexed to such by-laws, not exceeding twenty dollars for any one breach; but said by-laws, shall be approved by the superior court sitting in any county in this state.

Such children to be committed to suitable institutions.

SEC. 57. Any minor, convicted of being an habitual truant, or any child, convicted of wandering about in the streets, or public places, of any city, or town, having no lawful business, nor attending school, and growing up in ignorance, between the ages of seven and sixteen years, may, at the discretion of the justice or the court having jurisdiction of the case, instead of the fine mentioned in the preceding section, be committed to any such institution of instruction, house of reformation, or suitable situation as may be provided for the purpose, by such city or town, under the authority of the preceding section, for such time, not exceeding two years, as such justice or court may determine.

Who may prosecute.

SEC. 58. The several cities and towns shall appoint, at the annual meetings of such towns, or annually, by the mayor and aldermen of such cities, three or more persons, who alone shall be authorized to prosecute for violation of such by-laws.

Warrants, before whom returnable.

SEC. 59. Warrants, issued under the three preceding sections, shall be returnable before any justice of the peace, or judge of the police court, of the town, or city; and the justice, or judge, shall receive such compensation, as the city or town shall determine.

OF MASTER AND SERVANT.

Children employed in factories to be taught

SEC. 99. The president and directors of all factories, legally incorporated, and the proprietor, or proprietors, of all other

manufacturing establishments in this state, shall cause the children, employed in such factory, or establishment, whether bound by indenture, by parol agreement, or in any other manner, to be taught to read and write, and also to be instructed in the elements of arithmetic, provided the term of their service shall be of so long duration that such instruction can be given, and shall cause due attention to be paid to the preservation of their morals, and that they be required, by their masters or employers, regularly to attend public worship.* reading, writing, and arithmetic.

SEC. 100. The civil authority and selectmen of the towns in which such factories, or manufacturing establishments, are, or a committee by them appointed, shall constitute a board of visitors, who shall, in the month of January, annually, or at such other times as they shall appoint, carefully examine and ascertain whether the requirements of this act, relating to the instruction and the preservation of the morals of the children employed as aforesaid, are duly observed, and if, on such examination, such board of visitors shall discover that the president and directors of any incorporated factory, or the proprietor, or proprietors of any manufacturing establishment, have neglected to observe said requirements, such board of visitors shall report such neglect to the next superior court, in the county where the same shall have occurred, and thereupon, such court shall cause the president and directors of such incorporated factory, or the proprietor or proprietors of such manufacturing establishment, to appear before such court, to answer in the premises, and if, on due inquiry, it shall be found that such president and directors, or the proprietor, or proprietors, of such establishment, do not duly attend to the education of the children by them respectively employed, as is by this act required; or that due attention is not paid, to preserve the morals of such children, such court shall, at its discretion, either discharge the indentures, or contracts, relating to such minors, and binding them to render services in such establishment, or it may impose such fine, or forfeiture, on the president and directors of such factories, and on the proprietor, or proprietors of such establishment, as it may consider just and reasonable, not exceeding the sum of one hundred dollars. Board of visitors, and their duty. Superior court may discharge indentures or impose fine.

* Children thus employed, not to be corrected by proprietors. Matthews *v.* Terry, 10 C. R. 455.

AN ACT CONCERNING EDUCATION.

CHAPTER I.

OF COLLEGES.

Preamble.

SECTION 1. That whereas, the corporation of Yale College, in consideration of a grant made to them by the general assembly, in the year 1792, agreed that the governor, lieutenant governor, and six senior assistants, should be trustees or fellows of said college, and whereas, by the eighth article of the constitution of this state, the charter, so modified, was confirmed, and the said corporation have since agreed, consented, and requested, that the governor, lieutenant governor, and six senior senators, should be members of said corporation; therefore the governor, lieutenant governor, and six senior senators, for the time being, shall ever hereafter, by virtue of their said offices, be trustees or fellows of said college, and shall, together with the president and fellows of said college, and their successors constitute one corporation, by the name and style mentioned in the charter of said college, and shall have and enjoy the same powers, privileges, and authority, in as full and ample a manner as though they had been expressly named and included in said charter; and in case of vacancy, by the death, or resignation, or in any other way, of any of the other fellows of said college, and their successors, such vacancy shall forever hereafter be supplied by them, and their successors, by election, in the same manner as though this act had not been passed.

Who shall be members of said corporation.

Vacancies, how supplied.

Annual account to be rendered.

SEC. 2. And the president and fellows shall, annually, render to the general assembly an account of the receipts and expenditures of the money belonging to said college.

1838. Quorum.

SEC. 3. Whenever there shall be present, at any meeting of the corporation of Yale College, a majority of the fellows thereof, such majority shall constitute a quorum for the transaction of business, provided there be present a majority of those who are, by election, successors of the original trustees thereof, and provided due notice of such meeting shall have been given to all the members of said corporation.

Confirming clause.

SEC. 4. The proceedings of all meetings of the president and fellows of said corporation, duly notified as aforesaid, at which a majority shall have been present, as provided in the preceding

section of this act, shall be valid, in the same manner and to the same extent as they would have been had a quorum been present, as required before the passage of this act.

1830. Seniority of senators in relation to Yale College, how ascertained.

SEC. 5. Whereas, by an agreement with the corporation of Yale College, made in the year 1792, the six senior assistants were to be trustees or fellows of said corporation, and by a further agreement, made in the year 1821, the six senior senators, instead of said assistants, were to be trustees or fellows of said corporation, as aforesaid, and whereas, by reason of the change in the mode of electing senators, prescribed in the amendment of the constitution, adopted in November, 1828, there may not be the required number of senior senators at one time in the senate, according to the long established method of determining the seniority of assistants and senators; therefore, for the purpose of fulfilling said agreement, according to the original meaning and intention of the parties thereto, the seniority of the senators shall hereafter be ascertained and determined as follows, to wit: such senators, as shall have been previously members of the senate, shall be considered senior senators for the purpose aforesaid, and shall be arranged in the order of their official seniority, as previously ascertained; and those senators, who, for the first time, are, or shall be, elected senators, shall take their seniority for said purpose by lot, to be ascertained by the senate.

1834. Funds of Yale College exempt from taxation, &c.

SEC. 6. The funds which have been, or may be, granted, provided by the state of Connecticut, or given by any person or persons, to the corporation of "the President and Fellows of Yale College, in New Haven," and by them invested and held for the use of that institution, shall, with the income thereof, remain exempt from taxation; but the said corporation shall never hold, in this state, real estate, free from taxation, affording an annual income of more than six thousand dollars; nor shall the private property of the officers of the institution be exempt from taxation.

1865. Agricultural college fund to be invested in state bonds.

SEC. 7. The commissioner of the school fund may exchange the United States ten-forty bonds, composing the capital of the agricultural college fund, with the treasurer of the state, receiving, in lieu thereof, a like amount of the six per cent. bonds of the state, which bonds, when received, shall be indorsed "agricultural college bonds," and shall not be transferable, except by special act of the general assembly.

1863. The interest of the bonds to be paid semi-annually, to Yale College.

SEC. 8. Said commissioner shall, semi-annually, receive and pay over the interest of said bonds to the president and fellows of Yale College, for the special purposes and upon the special conditions hereinafter set forth.

To be devoted to the maintenance of the Sheffield Scientific School.

SEC. 9. Said corporation shall devote said interest, wholly and exclusively, to the maintenance, in that department of Yale College known as the "Sheffield Scientific School," of such courses of instruction, as (including the courses of instruction already instituted in said school,) shall carry out the intent of the act of Congress, entitled "an act donating public lands to the several states and territories, for the benefit of agriculture

and the mechanic arts," approved on the second day of July, 1862, in the manner specially prescribed by the fourth section of said act.

How one-half the interest to be applied.

SEC. 10. Said corporation shall furnish gratuitous education, in said courses of instruction, to pupils who shall be annually nominated to pupils of said school, in such manner as the general assembly shall prescribe. The number of pupils, to be so received gratuitously into said school, shall be, in each year, such a number as would expend a sum equal to one-half of the said interest, for the same year, in paying for their instruction in said school, if they were required to pay for it at the regular rates, charged to other pupils of said school for the same year. Said pupils, so nominated and received, shall be citizens of this state, and shall be admitted into said school upon the same terms, and subject to the same rules and discipline, which shall apply to all other pupils of said school, with the single exception that they shall not be required to pay anything for their instruction.

Annual reports to be made by the corporation.

SEC. 11. Said corporation shall annually make up and distribute the reports, required by the fourth paragraph of the fifth section of said act of congress.

When the interest to be paid.

SEC. 12. No portion of said interest shall be paid over to said corporation, until said corporation shall contract with this state, in writing, in such form as the governor shall approve, to fulfill and perform all the duties and obligations imposed upon it by this act.

Board of visitors.

SEC. 13. The governor, lieutenant governor, the three senior senators, and the secretary of the board of education, shall constitute a board of visitors, who shall visit said school in each year, and report annually thereon to the general assembly.

1864. Visitors and secretary of Sheffield Scientific School, to select pupils for gratuitous instruction.

SEC. 14. Said visitors, with the secretary of the Sheffield Scientific School, shall constitute an appointing board, who shall select from such candidates, as shall offer themselves, those who shall be entitled to receive the gratuitous instruction in said school.

When there are more applications than vacancies, the preference to whom to be given.

SEC. 15. In case there are more applications for the bounty of the state, than there are vacancies to be filled on the part of the state, said board shall give the preference to such young men, as are fitting themselves for agricultural, and mechanical, or manufacturing occupations in life, who are or shall become orphans through the death of a parent in the naval or military service of the United States, and, next to them, to such as are most in need of pecuniary assistance; and shall provide that the appointments shall be distributed, as far as practicable, among the several counties of the state, in proportion to their population.

Secretary of the board; his duties.

SEC. 16. The secretary of said school shall also be the secretary of said appointing board, and shall keep a record of their transactions; and he shall, at least one month before the close of each academic year in said school, cause to be published in at least one newspaper in every county in this state, in which a newspaper may then be published, an advertisement, specifying

the number of pupils, who, by virtue of this act, are entitled to be admitted into said school for gratuitous instruction, during the ensuing academic year, and designating the time and manner in which applications may be made, to said appointing board, for admission to said school.

To publish annual notice, of the time and manner of making applications, &c.

SEC. 17. No person shall give credit to any student of Yale College, or Trinity College, being a minor, without the consent, in writing, of his parent, or guardian, or of such other officer or officers of the college, as may be authorized by the government thereof to act in such cases, except for washing or medical aid.

No credit to be given to minor students without consent of parent, &c.

SEC. 18. If any person shall give credit to any minor, as aforesaid, contrary to the provisions of this act, he shall forfeit to the treasurer of this state a sum not less than twenty nor more than three hundred dollars, according to the nature of the offense, at the discretion of the court, which may be recovered in any proper action, before any court having jurisdiction thereof.*

Penalty for giving credit.

SEC. 19. The attorneys for the state for the counties in which said colleges are respectively located, on the complaint of any of the officers aforesaid, shall prosecute for all violations of the two preceding sections of this act.

Who to prosecute.

CHAPTER II.

OF THE NORMAL SCHOOL.

SEC. 20. The normal school, established at New Britain, in this state, shall remain a seminary for the training of teachers in the art of instructing and governing the common schools of this state, and shall receive such applicants, as are found competent, in the manner hereinafter provided, and shall train them in the best methods of teaching and conducting common schools.

1849. 1865 Objects of the normal school.

SEC. 21. The number of pupils shall not exceed two hundred and twenty. The secretary of the board of education shall request the board of school visitors, in each town, to forward to him, annually, the names of four persons, two of each sex, for admission to said school, whom said board, after examination, can recommend as suitable persons, by their age, character, talents and attainments, to be received as pupils in said school. Said board shall forward to said secretary the names of such applicants, as they shall find possessed of the qualifications, required of teachers of common schools, and such as they shall recommend for admission to said normal school, after first having received from said applicants a written declaration, signed with their own hands, that their object in seeking admission to the school is, to

Number of pupils, and how selected.

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* For necessary allegations in an information under this section, see Stiles *v.* Moore, 6 C. R. 9.

become qualified to teach in common schools, and that it is their intention to engage in that employment in this state.

1849. 1865. Same subject.

SEC. 22. Said board shall select, by lot, from the whole number of applicants from each county, the proportion of pupils to which such county is entitled by its population, of each sex an equal number; but not more than one pupil shall be admitted from any town, until each town, from which an application is made, shall have a pupil in the school. Said board may make all needful regulations for the examination of all candidates for admission to said school, and may approve, or reject, such persons, as may have been recommended by the school visitors in their respective towns. The secretary of the board shall forward to each pupil, appointed by the board, a certificate of such appointment, and shall return a list of the pupils, so appointed, to the principal of the school. If there shall not be a sufficient number of applicants, from a county, to fill the number of appointments allowed to such county, said board shall fill the vacancy, by lot, from the whole number of remaining applicants. To all pupils so admitted to the school, the tuition, and all the privileges of the school, shall be gratuitous.

School to be under the charge of the board of education.

SEC. 23. The board of education shall have the application of the funds for the support of the normal school; the appointment of teachers, and the power of removing the same; the power to prescribe the studies and exercises of the school, rules for its management, and granting diplomas; they shall report annually to the legislature their own doings, and the progress and condition of the school; and the said board of education is hereby authorized to change the location of said normal school, from time to time, as it may deem best for the interests of said school, and for the accommodation of the pupils in the different parts of the state, provided suitable buildings and fixtures are furnished, without expense to the state.

A model primary school how established.

SEC. 24. The board of education is authorized to make provisions for a model primary school, under a permanent teacher approved by such board, in which the pupils of the normal school shall have opportunity to practice the modes of instruction, and discipline, inculcated in the normal school, and may limit the number composing said model primary school, and, at their discretion, may discontinue said school.

CHAPTER III.

OF COMMON SCHOOLS.

1.—BOARD OF EDUCATION.

1865. Board of education, how constituted.

SEC. 25. There shall be appointed, by the general assembly, four persons, to be selected one from each congressional district

in the state, who together with the governor and lieutenant governor, shall constitute and be denominated the "Board of Education," and the persons so appointed shall hold their offices for the term of four years; but the first person named in said board shall go out of office at the end of one year, the next named at the end of two years, and so of the remaining members, one retiring each year in the order in which they are named, till the whole board be changed, and the governor and lieutenant governor may fill, till the next session of the general assembly, all vacancies in said board which may occur from death, resignation or otherwise.

Tenure of office.

Vacancies, how supplied.

SEC. 26. The board of education shall have general supervision and control of the educational interests of the state; it shall have power to direct what books shall be used in all the schools of the state; shall prescribe the form of registers to be kept in the schools, and the form of blanks and inquiries for the returns to be made by the school committees; shall annually, on or before the third Wednesday in May, lay before the general assembly a report, containing a printed abstract of said returns, and a detailed report of all the doings of the board, with such observations upon the condition and efficiency of the system of popular education, and such suggestions, as to the best means of improving it, as the experience and reflection of the board may dictate.

Powers and duties of the board.

SEC. 27. The board may appoint its own secretary, who under its direction, shall make the abstracts required by the preceding section; he shall also suggest to the board, and to the general assembly, improvements in the system of public schools, and in the management of the normal school; shall visit, as often as his other duties will permit, different parts of the state, for the purpose of awakening and guiding public sentiment in relation to the practical interests of education; shall collect in his office, such school books, apparatus, maps, and charts, as can be obtained without expense to the state; receive and arrange, in his office, the reports, and returns of the school committees, and receive, preserve, or distribute, the state documents in relation to the public schools.

Secretary of the board how appointed and his duties.

SEC. 28. He shall, under the direction of the board, give sufficient notice of such meetings of teachers of public schools, members of school committees of the several towns, and friends of education, generally, in any county, as may voluntary assemble at such time and place as may be designated by the board, and shall at all such meetings collect information as to the public schools of the county, of the fulfillment of the duties of their office by members of school committees, and school visitors, and of the circumstances of the school districts in regard to pupils, teachers, books, apparatus, and methods of education, to enable him to furnish all information desired for the report of the board of education; he shall send the blank forms of inquiry, the school registers, the annual report of the board, and his own annual reports to the clerks of the several towns and cities, as soon as they are ready for distribution.

Same subject.

SEC. 29. [Supplied by the following Act, approved July 27th, 1867.]

1867. Salary of secretary of the board of education.

That the secretary of the state board of education shall receive from the treasury an annual salary of three thousand dollars, and his necessary traveling expenses, incurred in the performance of his official duties, after they shall have been audited and approved by the board; and all postages and other necessary expenses, arising in his office, shall be paid from the treasury, in the same manner as those of other departments of the government; *provided, however*, and this act is upon condition that said secretary shall devote his time exclusively to the performance of the duties of his said office, and that all the expenses of said secretary shall not exceed the sum of five hundred dollars per annum.

Condition of this act.

Incidental expenses, how paid.

SEC. 30. The incidental expenses of the board, and the expenses of the members thereof, incurred in the discharge of their official duties, shall be paid out of the treasury, after their accounts shall have been audited and allowed.

1849. 1865. Duties of the secretary of the board of education.

SEC. 31. The secretary of the board of education shall exercise a general supervision over the common schools of the state; shall collect information from school visitors, in the manner provided in the one hundred and fifth section of this act, and from other sources; shall prepare and submit an annual report to the general assembly, containing a statement of the condition of the common schools of the state, plans and suggestions for the improvement and better organization of the common school system, and all such matters relating to his office, and to the interests of education, as he shall deem expedient to communicate.

SEC. 32. [Repealed by Sec. 2 of the following Act, approved June 30th, 1866.]

1866. Teachers' conventions.

SEC. 1. That the board of education are hereby authorized to hold at one or more convenient places in the state, conventions of school officers, teachers and other friends of public education, for the purpose of instructing in the best modes of administering, governing and teaching common schools; and for the purpose of defraying the expenses of such conventions or schools, they are authorized to draw upon the comptroller for a sum not exceeding in total the sum heretofore allowed by law for this purpose, to be paid from the civil list fund of the state.

SEC. 33. The said secretary shall give reasonable notice to each town, of the times and places of holding such schools or conventions, and such other notice to teachers, as he may deem expedient.

Notice, how given.

2.—PROPERTY OF SCHOOL SOCIETIES TRANSFERRED TO TOWNS.

1856. Towns to provide for support of common schools.

SEC. 34. The several towns within this state shall provide for the support of common schools within their respective limits, and all debts, legal obligations, or pecuniary trusts, of any school

society, heretofore existing, which pertains to schools, shall remain in full force against the town, or towns, within which such school society was situated.

School districts confirmed.

SEC. 35. The school districts, established by law, shall remain school districts of the towns, within which they are situated, subject to certain limitations and exceptions hereinafter mentioned.

1856 1860. Record of school societies, how preserved.

SEC. 36. The records of school societies shall be deposited, and forever kept, with the records of the towns in which such school societies were situated; and where any school society lies within the limits of two or more towns, the records of such society shall be deposited, and kept, with the records of the town within which the greater part of the territory of such society lies. And said records, whether they appear to have been made at a meeting, held in pursuance of a warning, or otherwise, or whether informal or otherwise, provided the same can be clearly understood, are hereby validated and confirmed.

1856. Town to hold local school fund.

SEC. 37. All the funds, buildings, and property of every kind, heretofore held for school purposes by the school societies, shall vest in the towns within which such school societies are situated, to be held by such towns for the purposes for which the same were held by the societies. Where there were two, or more, school societies, within the limits of any one town, and any of such school societies had a permanent fund for the support of schools, such fund shall be held, in trust, by said town, for the support of schools for the inhabitants of the territory, formerly embraced within such school society; and where any school society lay within the limits of two or more towns, and was possessed of any permanent fund, such fund shall be divided between, or among such towns, and the portions so distributed shall be held by such towns, in trust, for the support of schools for the inhabitants of that portion of such school society, lying within said town; and where any such school society was indebted such indebtedness shall, in the same manner, be divided between or among said towns.

When any society lay in two or more towns, fund and indebtedness to be divided.

Funds belonging to societies, how divided between towns.

SEC. 38. When it shall be necessary to distribute any fund, or divide any indebtedness, between or among different towns, in the manner provided by the preceding section, such distribution, or division, shall be made by the selectmen of said towns; and if they cannot agree, then, upon application of the selectmen of either town, by a committee of three disinterested persons, to be appointed by the superior court within the county, in which either of such towns shall be situated, who shall make report to said court, which report when accepted by said court, shall be final in the premises; and the report of such committee, or the agreement of the selectmen, shall be recorded at length upon the records of each of said towns.

Report of committee to be recorded.

1856. 1857. Certain school societies organized unde

SEC. 39. School societies, heretofore organized under the act of 1855, entitled "an act in addition to and in alteration of an act concerning education," which are not co-extensive with the

1855, to become school districts.

towns within which they are situated, shall become school districts of said towns, with all the powers and duties of school districts, as specified in this act, with the following exceptions, viz: such school districts shall annually choose, on the third Monday of September, in each year, instead of a district committee, a board of education, consisting of three, six, or nine persons, in the manner prescribed in this act, for the election of school visitors; and said board of education shall have all the powers and be subject to all the duties imposed on the district committees; and, in addition, thereto, shall have the general charge and superintendence of the common schools within their district, and the care and the management of the property and funds of the district; they shall lodge all bonds, leases, notes, and other securities, with the treasurer of said district, unless the same had been intrusted to others by the donors, or grantors, or by the general assembly; they shall pay into the treasury of the district all moneys which they may receive for the support of schools; they shall determine the number and qualifications of the scholars to be admitted into each school; shall supply the requisite number of qualified teachers; shall annually, during the first two weeks of the month of September, ascertain the expense of supporting and maintaining the schools under their superintendence, during the year ending the thirty-first day of the previous August, and report the same, together with the amount of moneys received towards the payment thereof, to the district at a meeting to be held on the third Monday in September in each year; and shall, at the same time, make a full report of their doings, and the condition of the schools under their superintendence, and all important matters concerning the same, to the district, and shall perform all lawful acts which may be required of them by the district, and which may be necessary to carry into effect the powers and duties granted by this act.

To choose board of education.

Powers and duties of such board of education.

1856. Privilege of existing school societies.

SEC. 40. All existing school societies, in which school districts have been abolished, may avail themselves of the privileges specified in the preceding sections.

Funds, &c., of school societies to remain as heretofore.

SEC. 41. The funds, buildings, and all other property of the school societies, specified in the two preceding sections, shall not be affected by this act, but shall remain, as heretofore, under the care and management of said school societies.

1858. Powers and duties of board of education in certain cases.

SEC. 42. The board of education, appointed by any school district, organized under the thirty-ninth and fortieth sections of this act, shall possess all the powers, and be subject to all the duties within said district, which are possessed by the board of school visitors in the several towns, and shall make their annual report to the secretary of the board of education, and their returns and certificates directly to the comptroller.

Returns to be made to the board.

SEC. 43. All the returns, by law required to be made by the district committee or clerk of such district, shall be made to said board of education.

May appoint acting school visitor.

SEC. 44. Said board of education shall have full power to appoint an acting school visitor in said district, who shall possess,

within said district, all the powers, and be subject to all the duties by law possessed by, and imposed upon, similar officers appointed by the board of school visitors of the several towns.

Authority of board of school visitors restricted.

SEC. 45. The authority of the board of school visitors of the town, in which said district is situated, shall extend only to the remaining portion of said town, and their returns and certificates shall include only the children in such remaining portion.

Comptroller to draw orders in favor of such districts for proportionate amount of school money.

SEC. 46. The comptroller of public accounts, on the application of the board of education of such district, shall draw an order in favor of such district, on the treasurer, for the proportionate amount, to which such district may be entitled, of all moneys appropriated by law for the benefit, support, and encouragement of common schools, as is provided in respect to towns; and the town in which said district is situated, shall be entitled to receive only its proportionate amount of such public money, for the children in the remaining portion of said town.

3.—DUTIES OF TOWNS.

1856. School visitors, how appointed.

SEC. 47. Every town shall elect by ballot a board of school visitors, which shall consist of three, six, or nine members, each of whom shall hold his office for three years, and until another is chosen in his place. Said board shall be divided into three classes, and the term of office of each class shall expire at the same time, and in such manner as to make a regular vacancy in the board, of one class annually. Should any vacancy occur by death, resignation, or otherwise, the remaining members of the board may fill such vacancy, until the next annual meeting of the town.

Vacancies, how filled.

SEC. 48. At every annual meeting of the town, all vacancies in the board shall be filled, by an election of the necessary members by ballot; any member, elected to fill an irregular vacancy, shall hold his office only for the unexpired term of his predecessor.

Where town has a permanent fund, a school fund treasurer to be elected.

SEC. 49. In case any town shall have received any permanent funds from any school society within its limits, such town shall annually elect, by ballot, a school fund treasurer, who shall have the charge of such funds, and keep a separate account of the same, and make an annual report to the town of the condition of said funds, and of his disbursements of the same, and who shall give bond, with surety, to the satisfaction of the selectmen of the town, for the faithful discharge of the duties of his office.

Powers of towns.

SEC. 50. The towns shall have power to establish and maintain common schools of different grades within their limits; to purchase, receive and hold any real and personal property for school purposes, and to convey the same; to build and repair school-houses; to lay taxes, and to make all lawful contracts, and to adopt all lawful regulations and measures for the education of the children of the town.

School business, how transacted.

SEC. 51. The business of the towns, relating to schools, shall be transacted, at regular and special town meetings, in the same manner, and subject to the same regulations, as other town business.

Duties of selectmen.

SEC. 52. The selectmen shall have the care and management of any property, or funds, appertaining to schools, and belonging to the town, and shall lodge all bonds, leases, notes, and other securities, with the treasurer, except so far as the same shall have been, or shall be, intrusted to others by the donor, or grantor, or by the general assembly, or by the town; they shall pay to the treasurer all money which they may collect and receive for the use of schools; they shall settle and describe the boundary lines of any new school district, or of any existing district, or parts of a district, within their limits, where the lines are not now settled, and described, when applied to by the district, and shall cause the same to be entered on the records of the town; they shall designate the time, place, and object, of holding the first meeting in any new district, and perform all other lawful acts which may be required of them by the town, or which may be necessary to carry into full effect the powers of towns with regard to schools.

1856. 1861. Regulations of schools of higher grade.

SEC. 53. Whenever any town shall maintain any school of a higher grade, for the older and more advanced children of either sex, the board of school visitors of such town shall prescribe rules and regulations for the admission of scholars into such schools, and for the studies, books, and classification of the same; and shall examine all candidates for teachers in such school, and shall give to those persons, with whose moral character, and literary attainments, and ability to teach, they are satisfied, a certificate, setting forth the branches he is found capable of teaching; and shall visit such school, at least twice during each season for schooling, and may annul the certificate of any teacher in the manner and for the cause provided in the one hundred and fourth section of this act; and said school shall receive such proportion of all money, provided for the support of common schools in such town, as the number of scholars, attending such high school, shall bear to the whole number attending all the other common schools of the town.

1861. Towns may choose a committee, for schools of higher grade.

SEC. 54. Such town may, at its annual meeting, or at any meeting specially warned for that purpose, choose, by ballot, a committee of not more than five residents of the town, who shall have all the powers, and discharge all the duties, in relation to such schools, as are by law imposed upon district committees, in relation to district schools.

When the town fails to elect committee, how appointed.

SEC. 55. Whenever any town shall fail to elect a committee, as provided in the preceding section, the board of school visitors of such town shall appoint a committee who shall have the powers and discharge the duties provided in the said section.

No town to receive public money unless report be made to secretary, &c.

SEC. 56. No town shall be entitled to receive its share of the public money from the treasury of the state, unless the report, required by the one hundred and fifth section of this act, shall

have been made by the school visitors to the secretary of the board of education.

SEC. 57. Each of the towns in this state shall annually, on or before the first day of March, raise by taxation such a sum of money as they may deem advisable, not less than *four*-tenths of a mill on the dollar, on the grand list on said first of March last made and perfected, and cause the same to be paid into the treasury of the several towns, respectively, for the benefit, support, and encouragement of common schools; and the whole amount of money so raised shall be annually distributed to the several school districts within each town, under the direction of the selectmen and school visitors.

1860. 1866. Towns to lay an annual tax for support of common schools.

[In addition, July 24th, 1868.]

SEC. 1. Each of the towns in this state shall, annually, on or before the first day of March, raise by taxation, in addition to the four-tenths of a mill tax required by section fifty-seven, page three hundred and thirty-six of the General Statutes of 1866, as amended by an act approved June 30th, 1866, such sum of money as each town may find necessary to make its schools free, not less than six-tenths of a mill on the dollar, on the grand list, of said town last made and perfected, and cause the same to be paid into the treasury of the several towns, respectively, for the support of common schools; and the whole additional amount of money so raised shall be annually distributed to the several school districts within each town, under the direction of the selectmen and school visitors.

Towns to raise by taxation money sufficient to make their schools free.

SEC. 2. If any town shall neglect to raise such sum of money, in the manner and within the time limited in the preceding section, or shall fail to distribute the same according to the provisions of said section, such town shall forfeit to the treasurer of the state a sum equal to the amount which it was the duty of such town to raise as aforesaid, to be recovered by said treasurer in an action upon the case.

Penalty for neglect.

SEC. 3. This act shall take effect from the beginning of the next school year, but shall not affect any suit then pending, or any claims for rate of tuition in schools then in session, or accruing during the present school year.

When this act takes effect.

SEC. 4. That sections ninety-eight, ninety-nine, one hundred, one hundred and one, and one hundred and two, of the "Act concerning Education," and all other acts and parts of acts inconsistent herewith, be and hereby are repealed.

Repeal.

SEC. 59. Towns shall have the same powers, and be subject to the same regulations, in taking land for school houses, outbuildings, and convenient accommodations for schools, as are conferred on school districts in the eighty ninth, ninetieth, ninety-first, ninety-second, ninety-third, and ninety-fourth sections of this act.

1857. Towns may take land for school houses, &c

1856. School visitors to draw on town treasurer for public money.

SEC. 60. Every town, in lawful meeting, may authorize the school visitors in said town to draw an order on the town treasurer, in favor of such districts, as have kept their schools, in all respects, according to law, for their proportion of all the public moneys, received from the school fund for the use of schools, in the hands of the treasurer, in proportion to the number of persons, between the ages of four and sixteen years in each district.

1865. School districts may be consolidated.

SEC. 61. Any town may, at any time, consolidate all the school districts therein in one district, to be known as the school district of (name of the town), and shall thereupon forthwith take possession of all school-houses, land, apparatus, and other property, owned and used for school purposes, which such districts might lawfully sell and convey; but no such consolidation shall take effect, until a majority of the school districts in the town shall, by a majority vote, in meetings legally warned, approve thereof. The property so taken shall be appraised under the direction of the town, and at the next annual assessment thereafter, a tax shall be levied upon the whole town, equal to the amount of said appraisal; and there shall be remitted to the tax payers of each district the appraised value of its property thus taken; or the difference, in the value of the property of the several districts, may be adjusted in any other manner agreed upon by the parties in interest.

When consolidated, town may appoint committee.

SEC. 62. Whenever any town shall consolidate its school districts, as provided in the preceding section, such town may, at its annual meeting, or at any special meeting called for such purpose, elect, by ballot, a committee of the town, not exceeding five persons in number, who shall have all the powers, and discharge all the duties, in relation to such school, which are, by law, imposed upon district committees in relation to district schools.

1865. When school districts may appeal from the action of a town.

SEC. 63. Whenever application shall be made to a town to form, alter, or dissolve, a school district, any district, aggrieved by the action, or neglect of action of the town, in the premises, may appeal from such action or neglect of said town, to the superior court of the county in which such town is situated.

Appeal when taken.

SEC. 64. Such appeal may be taken to either of the next two terms, succeeding the action or neglect appealed from, and shall be made by a brief statement, that such appeal is taken, by whom, and the subject matter of such appeal, signed by the proper agent or attorney of the appellants, to which shall be annexed a citation, signed by proper authority, notifying the appellees to appear at the court to which such appeal is taken; and service thereof shall be made by some proper officer, leaving a true and attested copy of such appeal and citation with the town clerk, or one of the selectmen of such town, and with the clerk, or one of the district committee, of any other district interested, at least twelve days before the session of the court to which the same is made returnable.

How disposed of.

SEC. 65. Said court shall hear the parties, and shall have the same powers to act upon said application that said town by law

had; and if said court sees fit, it may appoint a committee to report the facts and their opinion thereon; and the final decree of said court in the premises shall be recorded in the records of said town; and said court shall have full power, as to the allowance and taxation of costs, including the fees for the surveys, and copies and recording of such decree.

Lines, how to altered.

SEC. 66. No alteration of the lines, so fixed by such decree, shall be made, except by the superior court of such county; and such court shall have original jurisdiction of any application for the purpose, made by any district interested.

[In addition, August 1st, 1868.]

Public schools open to all without distinction of race or color.

SEC. 1. The public schools of this state shall be open to all persons between the ages of four and sixteen years, and no person shall be denied admittance to and instruction in any public school in the school district where such person resides, on account of race or color, any law or resolution of this state heretofore passed to the contrary notwithstanding.

4.—SCHOOL DISTRICTS.

1860. Towns may form, alter and dissolve school districts.

SEC. 67. Each town shall have power to form, alter, and dissolve, school districts within its limits, and any two or more towns may form school districts of adjoining portions of their several towns, and may alter and dissolve the same; but no new district shall be formed, which shall contain less than forty persons, between the ages of four and sixteen years; and the jurisdiction of towns, for such purposes, shall extend to districts, specially incorporated by act of the general assembly, in the same manner as to others.

Notice to be given of change of taxable property from one district to another.

SEC. 68. Whenever it shall be proposed to remove persons, or taxable property, from one district and annex the same to another district, the district, from which such persons or property are to be removed, shall be notified of such proposed alteration, by having a copy of the same lodged with the clerk of the district, at least fifteen days before the town is called to act upon said alteration.

1856. School districts formed from two or more towns, where to belong.

SEC. 69. Every school district, heretofore formed from parts of two or more towns, shall, for all school purposes, belong to the town within which the school-house of said district is situated, unless such towns shall make some other agreement, with regard to the jurisdiction over such district; and in all cases where any district shall hereafter be so formed, the towns, from which the same are so formed, shall, in the formation of such district, agree as to the particular town to which such district shall belong: but the inhabitants of such district shall have no right to vote in town meeting in any other town than that within which they reside.

Property in such districts, how taxed.

SEC. 70. The property of the inhabitants of a district, formed from two or more towns, may be taxed for school purposes in the town to which such district pertains; but, for all other purposes, shall be taxable in the town in which such inhabitants reside.

When districts are consolidated or divided, how corporate property is to be disposed of.

SEC. 71. When any two or more districts shall be consolidated into one, the new district shall own all the corporate property of the several districts; and when a district shall be divided, the funds and property, or the income and proceeds thereof, belonging to such district, shall be distributed among the several parts, in proportion to the number of persons, between the ages of four and sixteen years in each; and in case the distribution shall not be made before the district is divided, and the several parts cannot agree, the selectmen of the town shall distribute the same.

When property consists of real estate, how divided.

SEC. 72. Whenever, on any such division of any such school district, the only, or principal, property of said district shall consist of a school-house, and real estate connected therewith, which cannot be divided between the several parts of said district, without great inconvenience, the selectmen of the town, instead of dividing such school-house and real estate, shall set such school-house and real estate to one part, and award that the other part or parts shall receive, from the part to which such school-house and real estate are set, such sum of money as shall, in the judgment of such selectmen, be just and right, and such award shall be binding upon the several parts of such district.

1862 Districts may allow school-houses to be used for private schools.

SEC. 73. Any school district may allow its school-house to be used for a private school, whenever the same is not used for a public school, by vote of a majority of the legal voters, present at any meeting of the district, legally called for that purpose.

Associations formed under statute of 1841 to be continued and managed accordingly.

SEC. 74. All associations under the statute of 1841, allowing any two or more adjoining school districts to associate together, and form a union district, entered into before the repeal of said statute, shall continue to be managed and regulated, according to the provisions of the statute of 1841, any law or usage to the contrary notwithstanding.

1856 1861. 1868. When annual meetings for choice of officers to be held.

SEC. 75. Every school district shall hold an annual meeting, on such day in the months of *July*, August or September in each year, as the committee, or clerk of the district, in the notice thereof, may designate, for the choice of officers, and for the transaction of any other business, relating to schools in said district; and shall also hold a special meeting whenever the same shall be duly called; and the district committee may call a special meeting, whenever such committee shall think necessary or proper, and shall call a special meeting, on the written request of five residents, therein qualified to vote; which request shall state the object of calling the same.

How special meetings may be called.

Where meeting shall be held.

SEC. 76. District meetings shall be held at the district school-house; if there be no suitable school-house, the committee shall determine the place of meeting; if there be no committee, the clerk shall determine the same; if there be no committee and no

clerk, the selectmen of the town, to which said district belongs, shall determine the place of meeting, which shall, in all cases, be within the limits of the district.

1851. 1856. Notice of meetings, how given, and by whom

SEC. 77. Notice of the time, place, and object, of every annual and special meeting of the district, shall be given, at least five days inclusive, previous to holding the same. The district committee, or, if there be no such committee, the clerk, or, if there be no committee and no clerk, the selectmen of the town, shall give notice of a district meeting, either by publishing the same in a newspaper printed in the district, or, by putting notice on the district school-house, or on the sign-post within the district, or in some other mode previously designated by the district; but if there be no such newspaper, school-house, or sign-post, or other mode so designated, the selectmen of the town, to which said district belongs, shall determine how and where the notice shall be given. The person or persons, giving such notice, shall, on the day of giving the notice, leave a duplicate of the same with the clerk of the district, who shall preserve it on file.*

1856. Who may vote in district meetings.

SEC. 78. Every person, residing in the district, qualified to vote in town meeting, may vote in district meetings; and every meeting may choose its own moderator, and may adjourn from time to time to meet at the same, or some other place. Every person, who shall vote illegally in any school district meeting, shall forfeit the sum of seventeen dollars to the treasurer of the county where the offense is committed; and the attorneys for the state in the several counties, and grand jurors in the several towns, shall make presentment of every such offense.

Penalty for illegal voting.

Name, number, &c., of districts to be recorded.

SEC. 79. The name, or number, and limits, of every school district shall be entered on the records of such district, and on the records of the town, to which such district belongs.

Concerning settlement of boundary lines.

SEC. 80. Whenever the boundary lines of any district are not clearly settled and defined, the selectmen of the town, in which said district is situated, shall settle and define the same; and whenever said selectmen cannot agree in settling and defining such boundary lines, the town, to which such district belongs, may appoint three indifferent persons for that purpose, who shall have the same authority therein as is herein conferred upon said selectmen, and said boundary lines may, in either case, when necessary, be defined by an actual survey; and when parts of such districts lie in two or more towns, the selectmen of the towns, in which any such part is situated, or, in case of disagreement, indifferent persons, appointed as aforesaid, shall settle and define the boundary lines of such part.

SEC. 81. Every school district shall be a body corporate, and shall have power to sue and be sued, to purchase, receive, hold and convey, real or personal property for school purposes; to

* Object of meeting, how expressed in warning; meeting when opened; presumptions in regard to record. South School Dist. *v.* Blakely, 13 C. R. 227.

What is a sufficient warning. Bartlett *v.* Kinsley, 15 C. R. 327. Various points in relation to school meetings. Same.

1856. 1865. Corporate powers of school districts.

build, purchase, hire, and repair school houses, and to supply the same with fuel, furniture, and other appendages and accommodations; to establish schools of different grades; to purchase maps, globes, blackboards, and other school apparatus; to establish and maintain a school library; to employ one or more teachers, and shall be holden to pay the wages of any such teacher or teachers, as are employed by the committee of such district in conformity to law; to lay taxes for all the foregoing purposes; to borrow money for any purpose for which it may lay a tax, and to make all lawful agreements and regulations for establishing and conducting schools, not inconsistent with the regulations of the town to which said district belongs.*

1856. Officers, who, when and where chosen.

SEC. 82. Each school district shall choose, by ballot, at the annual meeting, a committee of not more than three residents of the district, a clerk, who shall be sworn, and a treasurer and collector, who shall hold their respective offices until the next annual meeting, and until others are chosen and appointed; and any person so chosen, who shall refuse or neglect to perform the duties of the office, shall pay five dollars to the treasurer of the district, for the use of said district; but any new district may choose its officers at its first, or at any subsequent meeting, called by the selectmen of the town, who shall hold their offices till the annual meeting of such school district.†

Penalty for neglect to perform duty.

District failing to appoint officers, school visitors to appoint.

SEC. 83. If any district, at the time for the annual meeting, shall fail, or neglect, to appoint all, or any, of the officers required by this act, or if any vacancy shall occur by death, removal from the district, or otherwise, the school visitors of the town, to which such district belongs, shall make such appointment, and fill such vacancy, on receiving written notice thereof from any three members of the district, and shall lodge the name or names of such officers, so appointed, with the district clerk.

Duties of district committee.

SEC. 84. The district committee shall give notice of all meetings of the district, in the manner prescribed; shall, unless otherwise directed by the district, employ one or more qualified teachers; shall provide suitable school-rooms, and furnish the same with fuel properly prepared; shall visit the schools, by one or more of their number, twice at least during each season of schooling; shall, when the scholars are not properly supplied with books, and their parents or guardians are too poor to furnish them, provide the same at the expense of the district; shall suspend, during pleasure, or expel from school, during the current season, all pupils found guilty, on full hearing, of incorrigibly bad conduct, and shall give such information and assist-

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* A school district may be sued, and property of its inhabitants may be taken to satisfy the judgment. McLoud *v.* Selby, 10 C. R. 390.

As to the kind of house a school district may build. See Sheldon *v.* Center School District, 25 C. R. 224. District cannot change the site of its school-house without a two-thirds vote. Colt *v.* Roberts, 28 C. R. 330.

School houses may not be used for religious meetings. Scofield *v.* Eighth School District, 27 C. R. 499.

† Taking the oath at any time before making the record, sufficient. Bartlett *v.* Kinsley, 15 C. R. 327.

ance to the school visitors of the town as they may require, and perform all other lawful acts, that may be necessary to carry into full effect the powers and duties of school districts.*

Powers and duties of clerk, treasurer and collector.

SEC. 85. The clerk, treasurer, and collector, of each school district, shall exercise the same powers, and perform the same duties, in their respective districts, as the clerk, treasurer, and collector of towns do, in their respective towns.

Treasurer and collector to give bonds if required.

SEC. 86. The inhabitants of each district, in lawful meeting, shall have power to require that the treasurer and collector shall respectively give bonds to the district, for the faithful discharge of the duties of their respective offices, which bonds shall be approved by the district committee, before the treasurer or collector shall enter on the duties of his office.

SEC. 87. [Supplied by the following Act, approved July 31st, 1868.]

Site of new school house or change of site of old one how determined.

SEC. 1. The vote of two-thirds of any legal meeting in any school district shall be necessary to fix the site of a new school house, or change the site of an old one; but if such two-thirds vote can not be obtained in favor of any site, the school visitors of any town adjoining the town or towns in which such district is located, on application of the district, shall fix the site, and make return to the clerk of the town in which such site shall be.

Quorum of school visitors when called on to fix site.

SEC. 2. Whenever any school visitors are called upon to perform the duties required by this act, a majority of their board shall constitute a quorum.

Compensation of school visitors employed in this service.

SEC. 3. The school district making such application to a board of school visitors, shall pay them a reasonable compensation for their services.

Repeal.

SEC. 4. So much of any act now in force as is inconsistent with the provisions of this act is hereby repealed.

Where district does not support a school, to whom and how school money paid.

SEC. 88. Whenever a school district, from inability or other cause, shall not support a school within the same, and the scholars belonging thereto shall attend the school of any other district, the town, where the enumeration of the children is made and returned, may receive the proportion of school moneys, which are drawn on the children so enumerated, from the comptroller of public accounts, and pay the same over to the district or districts where such children actually attend school; and a certificate from the committee of the school district, where such children have attended school, that the money is so appropriated, shall be presented to the selectmen of the town to which such children belong, and shall be sufficient evidence that such money has been appropriated according to law.

1856. 1857. How school district may take land for site of a school-house.

SEC. 89. Any school district may take land, which has been fixed upon by it, as the site of a school-house for a common school, and which is necessary for that purpose, and for necessary outbuildings, and convenient accommodations for its schools, upon paying to the owner just compensation therefor. If the

*The provision of this section, authorizing the committee to provide school rooms, does not authorize a change of the site of the school-house without the requisite vote. Colt *v.* Roberts, 28 C. R. 330.

school district, wishing to take land for the purpose aforesaid, cannot agree with the owner, upon the compensation to be paid him therefor, it may prefer its petition to the superior court, to be held in the county in which the land lies, praying that such compensation may be ascertained and determined by said court. The said petition shall be accompanied by a summons, signed by competent authority, notifying the owner of the land to be taken, to appear before the court to which the petition is returnable, and shall be served in the same manner as is provided by law for the service of other petitions; and, upon said petition, said court shall appoint a committee of three judicious and disinterested men, who, after being sworn, and after giving reasonable notice to the parties, shall examine the land proposed to be taken, and, if they approve the site, shall ascertain its value, assess such sum in favor of the owner as will justly compensate him therefor, and, in case of non-approval of said site by said committee, they shall have power to fix another site on land of the same owner, and proceed as aforesaid, and make report of their doings to said superior court; and said court may reject the report of said committee, and set aside their doings, for any irregular or improper conduct in the performance of their duties.

1856. Proceedings when report is set aside, and effect of acceptance.

SEC. 90. If the report of said committee be rejected and their doings set aside, the court aforesaid shall appoint another committee, who shall proceed in the same manner as the first committee are required to proceed by the preceding section; but if said report shall be accepted by said court, such acceptance shall have the effect of a judgment, in favor of the owners of the land against the petitioners, for the amount of the assessments made by the committee, and execution may be issued therefor accordingly; but said land shall not be used or inclosed by the school district, for any purpose whatever, until the amount of said judgment shall be paid to the party to whom it is due, or deposited for his use with the treasurer of the county.

Committee making assessment, how paid.

SEC. 91. The school district, preferring the petition aforesaid, shall pay the committee, for making said assessment, a reasonable compensation for their services, which shall be taxed by the court to which their report is made.

How school districts may take land as site for school-house.

SEC. 92. Any school district wishing to take land, which has been fixed upon by it as the site of a school-house for a common school, and being unable to agree with the owner of such land upon the compensation to be paid him therefor, may at any time when the superior court is not in session in the county in which such land is situated, prefer its petition to either judge of the superior court, praying for the appointment of a committee, for the purposes specified in the eighty-ninth section of this act. Said petition shall be accompanied by a summons, signed by competent authority, notifying the owner of the land, proposed to be taken, to appear before the judge to whom such petition is brought, at a time and place specified in said summons, and shall be served in the same manner as is provided by law for the ser-

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vice of other petitions, at least twelve days before the time specified in said summons.

Powers and duties of committee.

SEC. 93. Any committee, so appointed, shall have all the powers and perform all the duties provided for committees appointed by the superior court, in accordance with the eighty-ninth section of this act, and shall make report of their doings to the next term of the superior court, holden in the county wherein such district may be, upon which said superior court shall proceed, in all respects, as provided in said section.

1857. Extending previous provisions to cases where houses have been erected.

SEC. 94. The provisions of the five preceding sections shall be so extended and construed, as to authorize school districts to take land for necessary outbuildings, and convenient accommodations for such schools, where school houses have been heretofore erected, as well as where they are to be erected, after the proceedings therein authorised have been had.

1856. How new school-house shall be built.

SEC. 95. Whenever a district shall have voted to erect a new school-house, the same shall be built, according to a plan approved by the board of school visitors, and by the building committee of such district, but such officers shall not have power to require such district to expend any larger sum therefor, than such district shall vote to appropriate.

Money from school fund to be received, under what regulations.

SEC. 96. No district shall be entitled to receive any money from the school fund of the state, unless such district shall be supplied with a school house, and out-buildings pertaining thereto, which shall be satisfactory to the board of school visitors.

1861. Enumeration in districts formed from parts of two or more towns.

SEC. 97. The committee of any school district, formed from parts of two or more towns, shall, in their return of the names of the persons, between four and sixteen years of age, to the school visitors of the towns to which each person thus enumerated belongs, and shall, under oath, make return to the school visitors in any other town, which may compose a part of such district, the names of those persons thus enumerated, whose legal residence shall be within the limits of said town, and who, for school purposes, are to be considered as belonging to said district.

SECS. 98, 99, 100, 101, 102, repealed, 1868.

[In addition, June 30th, 1866.]

Towns to constitute union school districts.

SEC. 1. That every town in this state shall assume and maintain the control of the common schools within its limits, subject to such requirements and restrictions as are or may be imposed by the general assembly; and for this purpose every town shall constitute a union school district, having all the powers and duties of a school district, as now constituted by law, with the exceptions hereinafter stated.

School committee.

SEC. 2. Said union district shall elect by ballot, on the third Monday of September next, six, twelve, or eighteen male residents of the town as a school committee, who shall divide themselves into three classes, holding office one, two, and three years

respectively; and at every subsequent annual election, two, four, or six members of the committee, as the case may be, shall be elected by ballot for a term of three years; but no elector shall at any election vote for more than one-half of the number of persons to be elected, and the candidates having the highest number of votes shall be declared elected.

Powers of school committees.

SEC. 3. In said union districts the school committee shall have in general the powers and perform the duties which are now devolved upon district committees and boards of school visitors, and especially they shall maintain in the various parts of the town, for a period of not less than six months annually, good common schools of the different grades; they shall appoint one or more acting visitors or superintendent under their direction to examine teachers and visit schools; they shall have the care and management of the property and funds of the district; they shall lodge all bonds, leases, notes, and other securities, with the treasurer of said district, unless the same have been intrusted to others by the donors or grantors, or by the general assembly; they shall pay into the treasury of the district all moneys which they may receive for the support of schools; they shall determine the number and qualifications of the scholars to be admitted into each school; they shall supply the requisite number of qualified teachers; they shall designate the schools which shall be attended by the children within their jurisdiction, and may arrange, if they see fit, with the committee of an adjacent district for the instruction therein of such children as may attend there more conveniently; they shall fill any vacancies which may arise in their own number; they shall annually, during the first two weeks of the month of September, ascertain the expenses of supporting and maintaining the schools under their superintendence during the year ending the thirty-first day of the previous August, and report the same, together with the amount of moneys received towards the payment thereof, to the district, at a meeting to be held on the third Monday in September in each year; and shall, at the same time, make a full report of their doings, and the condition of the schools under their superintendence, and all important matters concerning the same, to the district, and shall perform all lawful acts which may be required of them by the district, or which may be necessary to carry into effect the powers and duties granted by this act.

Property and debts of existing school districts.

SEC. 4. Said union districts shall assume the property and be responsible for the debts of the districts now existing within the limits of the several towns. The property so taken may be appraised under the direction of the town, and at the next annual assessment thereafter a tax shall be levied upon the whole town equal to the amount of said appraisal; and there shall then be remitted to the tax-payers of each district the appraised value of its property thus taken, less the amount of the indebtedness of the district; or the difference in the value of the property of the several districts may be adjusted in any other manner agreed upon by the parties in interest. Permanent funds now vested in

towns shall remain as heretofore in charge of the school fund treasurer of said towns. Schools organized or maintained by towns shall be under the jurisdiction of the union district committee, in the same manner as schools of a lower grade.

Public moneys.

SEC. 5. The comptroller of public accounts, on the application of the school committee of such district, shall draw an order in favor of such district, on the treasurer, for the proportionate amount to which such district may be entitled, of all moneys appropriated by law for the benefit, support and encouragement of common schools, as is provided in respect to towns.

Annual meetings.

SEC. 6. The annual meeting of said union districts for the election of officers, receiving the report of the committee, laying the tax, and transacting other school business, shall be held on the third Monday of September, at a place to be determined in the present year by the selectmen, and hereafter by the school committee. Special meetings of the district may be called by the school committee at any time, and shall be called at the request of twenty voters.

School taxes.

SEC. 7. The necessary funds for the maintenance of the common schools, beyond the income of state and local funds, shall be provided by a property tax to be levied on the grand list of the town, by a vote of the school district in lawful meeting convened.

Repeal.

SEC. 8. All provisions of the act concerning education, inconsistent with the foregoing provisions, are hereby repealed.

This act to take effect, where.

SEC. 9. This act shall take effect only in such towns as shall, by a majority vote in legal town meeting warned for that purpose, accept of the provisions of the same.

[In addition, June 6th, 1867.]

Existing districts not to be reduced beyond certain limits by the formation of new ones.

By the formation of any new school district, no existing district shall be so reduced as to contain less than forty persons between the ages of four and sixteen years.

[In addition, June 25th, 1867.]

School district committees in larger districts may be divided into classes, holding office one, two and three years respectively.

SEC. 1. Any association of school districts under the statute of 1841, forming a union district, and any other school district containing by the enumeration last preceding, not less than six hundred children, between the ages of four and sixteen years, may at any annual meeting, upon due notice, elect by ballot three, six, nine, or twelve male residents of the district as a school committee, and may provide that the committee so elected shall be divided into three classes, holding office one, two and three years respectively; and that at every subsequent annual election, one, two, three or four members of the committee, as the case may be, shall be elected by ballot for a term of three years.

Powers of committee.

SEC. 2. The committee so elected shall have all the powers and perform all the duties which are now by law devolved upon other district committees.

[In addition, June 19th, 1867.]

Towns may constitute Union school districts.

SEC. 1. Chapter one hundred and two of the public acts of the general assembly, passed at the May session, 1866, is hereby amended to read as follows: Every town in this State may at any annual town meeting, assume and thenceforth maintain the control of the common schools within its limits, subject to such requirements and restrictions as are or may be imposed by the general assembly; and for this purpose every such town shall constitute a union school district, having all the powers and duties of a school district as now constituted by law, with the exceptions hereinafter stated.

School committee.

SEC. 2. Said union districts shall elect by ballot, at such meeting, six, nine, twelve, or eighteen male residents of the town as a school committee, who shall divide themselves into three classes, holding office one, two, and three years, respectively, provided the control of its common schools by said town be so long continued; and at every subsequent annual election two, three, four, or six members of the committee, as the case may be shall be elected by ballot for a term of three years.

Powers of school committee.

SEC. 3. In said union districts the school committee shall have in general the powers and perform the duties which are now devolved upon district committees and boards of school visitors, and especially they shall maintain in the various parts of the town, for a period of not less than six months annually, good common schools of the different grades; they shall appoint one or more acting visitors or superintendents, under their direction, to examine teachers and visit schools; they shall have the care and management of the property and funds of the district; they shall lodge all bonds, leases, notes and other securities with the treasurer of said district, unless the same have been entrusted to others by the donors, or grantors, or by the general assembly; they shall pay into the treasury of the district all moneys which they may receive for the support of schools; they shall determine the number and qualifications of the scholars to be admitted into each school; they shall designate the schools which shall be attended by the children within their jurisdiction, and may arrange, if they see fit, with the committee of an adjacent district for the instruction therein of such children as may attend there more conveniently; they shall fill any vacancies which may arise in their own number; they shall annually, during the first two weeks of the month of September, ascertain the expenses of supporting and maintaining the schools under their superintendence, during the year ending the thirty-first day of the previous August, and report the same, together with the amount of moneys received towards the payment thereof, to the district, at a meeting to be

held, unless otherwise ordered by the town as hereinafter provided, on the third Monday in September in each year, and shall at the same time make a full report of their doings and the condition of the schools under their superintendence, and all important matters concerning the same, to the district; and shall perform all lawful acts which may be required of them by the district, or which may be necessary to carry into effect the powers and duties granted by this act.

Property and debts of existing school districts.

SEC. 4. Said union districts shall assume the property and be responsible for the debts of the districts now existing within the limits of the several towns. The property so taken may be appraised under the direction of the town, and at the next annual assessment thereafter a tax levied upon the whole town equal to the amount of said appraisal; and there shall then be remitted to the tax payers of each district the appraised value of its property thus taken, less the amount of the indebtedness of the district; or instead of such appraisal, tax, and remission, the difference in the value of the property of the several districts may be adjusted in any other manner agreed upon by the parties in interest. Permanent funds now vested in towns shall remain as heretofore in charge of the school fund treasurer of said towns. Schools organized or maintained by towns shall be under the jurisdiction of the union district committee, in the same manner as schools of a lower grade.

Public moneys.

SEC. 5. The comptroller of public accounts, on the application of the school committee of such district, shall draw an order in favor of such district on the treasurer, for the proportionate amount to which such district may be entitled, of all moneys appropriated by law for the benefit, support, and encouragement of common schools as is provided in respect to towns; and such district shall be entitled to receive from the treasurer of the State, annually, and upon the like conditions as are now by law prescribed for school districts, for the purposes of school libraries, a sum not exceeding the aggregate amount which the former districts of said town might have received in like circumstances.

Annual meetings.

SEC. 6. The annual meeting of said union districts for the election of officers, receiving the report of the committee, laying the tax, and transacting other school business, shall be held on the third Monday in September, at a place to be designated by the school committee; or the town may by vote provide that any or all of such business shall be transacted at the annual town meeting. Special meetings of the district may be called by the school committee at any time, and shall be called at the request of twenty voters.

School taxes.

SEC. 7. The necessary funds for the maintenance of the common schools beyond the income of State and local funds, shall be provided by a tax to be levied on the grand list of the town by a vote of the school district in lawful meeting convened.

Old school districts not to be re-established until after a trial of the union

SEC. 8. Any town which shall have assumed the control of its common schools in pursuance of this act or of the act to which this is an amendment, may at its second annual meeting there-

school district for two years.

after, but not previously, and at any subsequent annual meeting, abandon such control and re-establish the several school districts therein as they were before said action; and the property and funds, or the revenue or proceeds thereof belonging to said union district, shall be distributed by the selectmen of the town as is provided in sections seventy-one and seventy-two, chapter III, title XVI, of the general statutes, in case of division of districts; *provided, nevertheless*, that all local funds, formerly the property of any of the original districts, shall be first returned, or made good to said districts respectively.

Repeal.

SEC. 8. All the provisions of the act concerning education, inconsistent with the foregoing provisions are hereby repealed.

Approved, July 19th, 1867.

5.—SCHOOL VISITORS.

1856. Duties of school visitors.

SEC. 103. The board of visitors shall prescribe rules and regulations for the management, studies, books, classification, and discipline, of the schools in the town; and shall themselves, or by a committee by them appointed for that purpose, examine all candidates for teachers in the common schools of such town, and shall give to those persons, with whose moral character, and literary attainments, and ability to teach, they are satisfied, a certificate, setting forth the branches he or she is found capable of teaching; but no certificate shall be given to any person, not found qualified to teach reading, writing, arithmetic, and grammar, thoroughly, and the rudiments of geography and history; shall visit all the common schools of said town, twice, at least, during each season for schooling, once within four weeks after the opening, and again, within four weeks preceding the close of the school, at which visit they shall examine the register of the teacher, and other matters touching the school-house, library, studies, discipline, mode of teaching, and improvement of the school; they shall make return of the number of persons, over four and under sixteen years of age, in said town, to the comptroller, and draw orders on the same for any portion of the public money due to said town, as heretofore prescribed; and they shall draw all orders on the town treasurer, or school fund treasurer, for all moneys due the common schools of said town.

1856. 1860. 1861. May annul certificates of unqualified teachers, &c.

SEC. 104. The board of visitors shall annul, by a major vote of the board, the certificates of such teachers as shall be found unqualified, or who will not conform to the rules and the regulations adopted by the visitors, and shall submit to the town, at its annual meeting, a written account of their own doings and of the condition of the several schools within their limits, for the year preceding; and said board may appoint a committee of one or two persons, to exercise all, or such part, of the powers, and perform all, or such part, of the duties, of said visitors, as may be prescribed in the vote making the appointment, and the rules

and regulations of said board, which committee shall be called the acting school visitor or visitors.

1856. Duties of acting school visitors.

SEC. 105. The acting school visitor, or visitors, shall visit the schools included in his, or their, appointment, in company with one or more of the visitors, or of the district committee, if such attendance can be obtained; and such visits shall be made twice at least during each season of schooling, in conformity with the provisions of this act. He or they shall, unless otherwise directed by the visitors, spend at least half a day in each school visit; and shall make a full annual report of the condition of said schools, and of all the important facts concerning the same, to the secretary of the board of education, on or before the first day of October, annually, and shall answer in writing all inquiries that may be propounded to him or them on the subject of common schools, by said secretary. He or they shall also prepare an abstract of such report, to be read at the annual meeting of said town.

Compensation of acting school visitors.

1868.

SEC. 106. The acting school visitor, or visitors, of every town shall receive, for the time actually employed in the performance of the duties prescribed in this act, the sum of *two dollars* each, per day, to be paid out of the treasury of the town in which the school-houses of the schools, visited by him or them, are situated, if he or they shall have made his or their annual report, in the manner prescribed in the preceding sections, and his or their account shall be approved by the visitors of the town.

[In addition, June 6th, 1867.]

Acting school visitors to be notified of commencement and close of each school term.

It shall be the duty of the committee of every school district to give to the acting school visitor or visitors, whose duty it is to visit the school or schools of said district, notice of the date of the commencement and close of each school term, within one week of said commencement, and at least four weeks before said close, respectively; and no district school shall be certified to have been kept according to law, which, by reason of the neglect to give such notice, shall fail to be visited by the acting school visitor or visitors, as by law provided.

6.—DISTRICT COMMITTEES.

Committee to make report to school visitors.

SEC. 107. The committee of every district shall, on or before the fifteenth day of September in each year, make a written report to the board of school visitors of the town, which shall state:

Subjects of report.

1. The whole term for which a school or schools in such district shall have been kept by a qualified teacher or teachers, during the year ending the thirty-first day of August, and how much of said term was winter school, and how much summer school.

2. The amount of money received from the school fund of the state, town deposit fund, local funds, town tax, district tax, rate bills, and all contributions, whether in board, fuel, or otherwise, for the year ending the thirty-first day of August.

3. The whole number of children, between the ages of four and sixteen years, the number of each sex in the summer school, and in the winter school, the average attendance both summer and winter of each sex, and the number of pupils attending school, over sixteen years of age.

4. The number of male, and of female teachers employed, and for how long a time each.

5. The wages of male teachers per month, and of female teachers per week, including board, when received as a part of the teacher's compensation.

6. The amount expended during the year for school buildings, for apparatus and library, and for other school purposes.

7. The different branches taught in the schools, the number of pupils in each branch, the number of public examinations, lectures, visits, and by whom, and such other information as may be required by the board of visitors, or by the secretary of the board of education.

Public money withheld, when.

SEC. 108. No district shall be entitled to receive its share of the public money from the state treasury, unless the report, required by the next preceding section, shall have been made by the committee of the district.

7.—TEACHERS.

Teachers must receive certificate of examination and approbation from visitors.

SEC. 109. No teacher shall be employed in any school, supported by any portion of the public money, until he has received a certificate of examination and approbation, signed by a majority of the board of visitors, or by all the committee by them appointed, nor shall any teacher be entitled to draw any portion of his wages, so far as the same are paid out of any public money appropriated by law to schools, unless he can produce such certificate, dated previous to the opening of his school; but no new certificate shall be necessary, when the teacher is continued in the same school more than one term, unless the visitors shall require it.

Teachers to keep register.

SEC. 110. Every teacher, in any common district school, shall enter in a book or a register, to be provided by the clerk, at the expense of the district, the names of all the scholars attending school, their ages, the date when they commenced, the length of time they continued, and their daily attendance, together with the day of the month on which such school was visited by the school visitors of the town, or committee by them appointed; which book or register shall be open, at all times, to the inspection of all persons interested, and shall be delivered over by the teacher, at the close of the term, to the district clerk, together with a certified abstract, showing the whole number of pupils

enrolled, the number of males and females, and the average daily attendance. The teacher, so far as practicable, shall furnish to the district committee such information, with regard to matters appertaining to the school, as such committee shall require.

[In addition, June 25th, 1867.]

SEC. 1. That the State Board of Education is hereby authorized to have printed and distributed, uniform blank registers to be kept in the public schools, of such form as may be prescribed by said board. Uniform school registers to be provided by the Board of Education.

SEC. 2. The expense of printing and distributing such blanks shall be paid by the treasurer. How paid for.

SEC. 111. No teacher shall be entitled to any pay for his services, who shall have neglected to perform the duties enjoined by the next preceding section. Teacher not entitled to pay, when.

SEC. 112. All examination of teachers under the one hundred and third section of this act, shall be conducted by a majority of the board of school visitors, or by all the committee by them appointed. Examination of teachers, how conducted.

8.—SCHOOL LIBRARIES.

SEC. 113. The treasurer of the state, upon the order of the secretary of the board of education, is hereby authorized and directed to pay over the sum of ten dollars, out of any moneys that may be in the public treasury, to every school district which shall raise by tax or subscription a like sum for the same purpose, to establish within such district a school library, and to procure philosophical and chemical apparatus; and the further sum of five dollars annually, upon a like order, to the said districts, upon condition that they shall have raised a like sum for such year, for the purposes aforesaid. When payments may be made to school districts for libraries.

SEC. 114. The selection of books for such libraries shall be approved by the board of visitors of each town. Selection of books to be approved.

SEC. 115. The board of visitors of each town shall make proper rules and regulations for the management, use, and safe keeping, of such libraries. Board of visitors may make regulations.

[In addition, July 27th, 1867.]

Any school district which numbers more than one hundred scholars in actual attendance upon the common schools thereof, may draw the appropriation now made by law for the purchase of library and apparatus, at the rate of one appropriation for every hundred such scholars, *provided*, that no allowance shall be made in any case for the fractional part of a hundred. School libraries and apparatus.

CHAPTER IV.

OF STATE APPORTIONMENTS, TAXATION, AND EXPENSES.

1856. Income of school fund, how distributed.

SEC. 116. The income of the school fund, after deducting all expenses attending its management, shall be divided by the comptroller of public accounts, with the advice of the commissioner of the school fund, and distributed among the several towns, in proportion to the number of persons between four and sixteen years of age, as ascertained by the school visitors of such towns, in conformity with the provisions of this act.

1861. Town tax, and interest of town deposit fund, to be distributed.

SEC. 117. The whole amount of money raised by the towns of this state, in accordance with the requirements of the fifty-seventh section of this act, and all the interest or income, arising from moneys known as the town deposit fund, shall annually, on or before the fourth day of March, be distributed to the several school districts, and parts of school districts, within the limits of each town, under the direction of the selectmen and school visitors; but whenever the public money, derived from the school fund, will not amount, according to the rule of distribution, to thirty-five dollars for a district in any one year, the selectmen and school visitors shall appropriate from said funds a sum sufficient to make the amount equal to thirty-five dollars.

No district to receive less than thirty-five dollars.

[In addition, July 24th, 1868.]

Distribution of school money according to the average daily attendance.

SEC. 1. The money directed to be distributed by the one hundred and seventeenth section of the act to which this is in addition and alteration, shall, with the exception of so much as may be necessary to make the amount of public money in each district equal to fifty dollars, be distributed to the several districts and parts of districts in each town according to the average daily attendance in schools kept as required by law, of persons residing in said town for the year ending the thirty-first day of August next preceding such distribution.

Returns by committees of districts formed from two or more towns.

SEC. 2. The committee of each joint district formed from two or more towns shall on or before the fifteenth day of September in each year make returns in writing to the board of school visitors in the several towns from which each district is formed, of the average daily attendance of persons residing in said town, and belonging to the district during the year ending the thirty-first day of August next preceding; and no district so formed shall be entitled to receive any of the money directed to be distributed in the preceding section until such returns have been made.

Repeal.

SEC. 3. So much of the act to which this is in addition and alteration as is inconsistent herewith is hereby repealed.

1856. Not to receive money unles school has been kept six months.

SEC. 119. No school district shall be entitled to any portion of the public money, unless the school in said district has been kept by a teacher or teachers, duly qualified, for at least six

months in the year, and visited twice during each season by its visitors, nor until the district committee shall certify that the public money, received by the district for the year previous, has been faithfully applied, and expended, in paying for the services of such teacher or teachers, and for no other purpose whatever.

District committee annually to return the names of scholars, &c.

SEC. 120. The district committee shall annually, in the month of January, ascertain the name of every person over four and under sixteen years of age, who shall belong to such district on the first Monday of said month, and compose a part of the family of his parents, guardians, or employers, together with the names of such parents, guardians, or employers, and shall make return of the same to the school visitors of the town, to which such district belongs, on or before the twentieth day of January in each year; but in such return, no persons shall be included, who are residing in such districts to attend a private school, or for other private purposes; and such persons shall be enumerated in the district where their parents or guardians reside.

When district clerk to make returns.

SEC. 121. In case of the absence or inability of the district committee to make the enumeration and return above required, the clerk of the district shall do the same, in the manner, and within the time before prescribed.

When one of school visitors to make returns.

SEC. 122. Whenever the committee and clerk of any school district shall omit to return, to the school visitors of the town, the enumeration of the children in their respective districts, within the time prescribed by law, one of the school visitors of such town shall make such enumeration, before the first day of February in each year, and return the same to said school visitors; and for making such enumeration, such visitor shall be entitled to receive five cents, for each child so enumerated, to be paid from the next dividend belonging to said district, which may thereafter be received from the town deposit fund.

Returns to be sworn to.

SEC. 123. The return, above required to be made to the school visitors, shall be subscribed by the person making the same, and sworn to before a magistrate, according to the following form:

Form of return.

I do hereby certify, that I have carefully enumerated, according to law, all persons between the ages of four and sixteen years, within the school district, and do find, that on the first Monday of January, A. D. there were residing within said district, and belonging thereto, the number of persons between the ages aforesaid.

A. B.

On this day of A. D. personally appeared the above named A. B. and made oath to the truth of the above return by him subscribed, before me.

C. D., Justice of the Peace.

School visitors, to examine and correct returns and transmit to comptroller.

SEC. 124. The school visitors of the town shall examine and correct the returns made to them, so that no person shall be enumerated twice in different districts, or be improperly returned, and shall prepare and transmit to the comptroller of

public accounts, on or before the fifth day of February, annually, a certificate, in which the number of persons shall be inserted, at full length, which shall be sworn to according to the following form, to wit:

Form of certificate.

We, the school visitors of the town of do certify, that from the returns made to us under oath, as by law provided, we find, that on the first Monday of January, A. D. there were residing within said town, and belonging thereto, the number of persons between the ages of four and sixteen years, and from the best information we have obtained, we verily believe that said number is correct.

} School Visitors.

On this day of A. D. personally appeared the above named school visitors, and made oath to the truth of the above certificate by them subscribed, before me.

C. D., Justice of the Peace.

1854. Returns to school visitors where lodged, and school money, how drawn.

SEC. 125. The school visitors shall lodge the returns made to them with the treasurer of the town. The comptroller of public accounts, on the application of the school visitors of any town, shall draw an order on the treasurer for the amount, which such town may be entitled to, of all moneys appropriated by law, for the benefit, support, and encouragement of common schools, which may be in the treasury on the twenty-eighth day of February in each year; but no order shall be drawn in favor of any town, until the school visitors shall certify, in writing, under their hands, in the words following, to wit:

Form of certificate by school visitors.

"We, the school visitors of the town of do certify that the schools in said town have been kept for at least six months in the year, ending the thirty-first day of August last, by teachers duly examined and approved, and have been visited according to law; and that the moneys drawn from the public treasury by said town for said year, appropriated to schooling, have been faithfully applied and expended in paying for the services of said teachers, and for no other purpose whatever.

Dated at the day of A. D.

} School Visitors.

To the Comptroller of Public Accounts.

1856. Certificate of school visitors to comptroller.

SEC. 126. Whenever the school in any school district shall not be kept according to law, the school visitors of the town, to which such district belongs, shall, in their certificate or certificates to the comptroller for the year following, state such fact, and also the number of children enumerated in such district, and the comptroller, when application is made for the school moneys, payable to such town for said year, shall deduct from the whole number of children, enumerated in such town, the number contained in such district, and shall draw an order for the benefit of the remaining districts of such town.

SEC. 127. In all cases of forfeiture of public money under the one hundred and nineteenth section of this act, application shall be made to the secretary of the board of education, who shall examine the facts of each case, and decide, according to its equity, on the right of the applicants to receive the money so forfeited; and the same shall be paid, as if no forfeiture had occurred, on his certificate to the comptroller of public accounts, in approbation of such payment.

In cases of forfeiture, application to be made to secretary of the board of education.

SEC. 128. If any money, appropriated to the use of schools, shall be applied by a town, or a school district, to any other purpose, the same shall be forfeited to the state, and the comptroller shall sue for such money in behalf of the state, to be applied to the use of schools.

School moneys misapplied to be forfeited to the state.

SEC. 129. If any school visitor or school visitors shall, at any time, fraudulently make a false certificate, by which money shall be drawn from the treasury of this state, each person, so fraudulently making such certificate, shall forfeit the sum of sixty dollars to the state, to be recovered by action of debt on this statute, and the comptroller shall bring a suit to recover the same.

Penalty for fraudulent certificate.

SEC. 130. Whenever a district shall impose a tax, the same shall be levied on all the real estate situated therein, and upon the polls, and other rateable estate, except real estate, situated without the limits of such district, of those persons who are residents therein, at the time of laying such tax; and said real estate shall not be taxed by any school district except the one in which the same is situated; and said tax shall be made out, and signed, by the district committee, from the assessment list, of the town or towns to which said district belongs, last completed, or next to be completed, as said district shall direct; and no deduction or abatement shall be made on account of the indebtedness of the owner of any estate so taxed, unless the debtor and creditor both reside in the same school district, where said real estate is taxed.

1856. 1860. District tax, how levied.

SEC. 131. Such tax shall also be levied on the interest of all manufacturing and mechanical business, subject to taxation, which is located or carried on in said district, whether the owners reside therein or not, except so far as the same may consist in real estate, situated out of the district; and said interest so taxed shall not be taxed in any other school district.

1863. Same subject.

SEC. 132. Whenever real estate, situated in one district, is so assessed and entered in the grand list, in common with other estate, situated out of said district, that there is no distinct and separate value, put by the assessors upon the part lying in said district, then said district, wishing to lay a tax as aforesaid, may call on one or more of the assessors, for the time being, of the town in which said property is situated, to assess, and they shall, on such application, assess the value of that part of said estate which lies in said district, and return the same to the clerk of said town; and notice of such assessment, and of the meeting of the assessors and selectmen hereafter mentioned, shall be given by the district committee, in the same way as a notice for school

1856. How to proceed, when real estate is not entered separately on grand list.

meetings; and at the end of fifteen days, after said assessment has been returned as aforesaid, said assessors and selectmen shall meet in such place, as said district committee shall designate in such notice, and shall have the same power, in relation to such list, as the board of relief has, in relation to such list of towns; and when such list shall be perfected by said assessors and selectmen, the same shall be lodged with the town clerk, and said assessment shall be the rule of taxation for said estate, by said district, for the year ensuing, and said assessors shall be paid, by said district, a reasonable compensation for their services.

1859. How to proceed, when real estate is omitted from grand list

SEC. 133. Whenever a district wishes to lay a tax, and there is real estate situated in said district, which has been neglected to be put into the assessment list of the town; or, where there are polls in said district, liable to taxation, which have not been entered in said assessment list, such district may call on one or more of the assessors, for the time being, of the town in which such neglect has occurred, who shall assess the value of such real estate, make a list of said polls, and add such property and polls to the list of the district, wishing to lay said tax.

SEC. 134. [Repealed, by Sec. 2 of the following Act, approved June 30th, 1866.]

School tax upon land sold since the completion of the town list and before laying the tax, by whom paid.

SEC. 1. Whenever a district wishes to lay a tax and lays the same on the town last completed, and any real estate has been sold and conveyed, or in any way changed ownership between the first day of October next preceding, and the time of laying said tax, such district may call out one or more of the assessors for the time being, of the town in which such sale, conveyance or change of property has occurred, who shall assess the value of said real estate to the person owning the same at the time of laying said tax, and deduct the same from the list of the person in whose name it stood on the assessment list of the town.

Repeal.

SEC. 2. Section one hundred and thirty-four of the act entitled "An Act concerning Education," of which this is an amendment, is hereby repealed; *provided, nevertheless*, that nothing herein contained shall affect any suit now pending.

Duty of assessors.

SEC. 135. The assessors, in performing the duties mentioned in the two preceding sections, shall proceed in the manner prescribed for assessing real estate, in the one hundred and thirty-second section of this act.

1856. School district may appoint constables collectors.

SEC. 136. The several school districts may appoint either of the constables of the town or towns, in which such school district may be situated, to be collector of the taxes of such school district, whether such constable belongs to said district or not, and the constable, appointed such collector, on receiving any rate, tax, or assessment bill, from the committee of any such school district, shall forthwith collect the same, and pay the amount of such bill or bills into the treasury of such school district, and said constable shall be allowed such fees for collecting the same, as are allowed to collectors of town taxes.

[In addition, July 16th, 1863.]

Sec. 1. That the election of any school district collector in accordance with section one hundred and thirty-six, Chapter IV, Title XVI of the general statutes of this state shall be good if made at any special meeting of any district duly warned and held for that purpose, whether the said election be made to fill a vacancy or to make an original appointment, and the election of any collector heretofore made is hereby made good, valid and binding, and the acts and doings of said collector in pursuance of said election are hereby ratified and confirmed.

Election of collector at special school district meeting valid.

Sec. 2. This act shall take effect from the date of its passage but shall not effect any suit now pending.

[In addition, July 31st, 1868.]

Sec. 1. That when a copy of the notice for a school district meeting may not have been left with the clerk, or the notice may have been defective and informal; and when the clerk or other officers appointed at any annual school district meeting have resigned or declined to discharge the duties of the office to which they were appointed, and others have been appointed in their place, at a subsequent special meeting of such school district, or a change made in any of the officers of the school district at such special school district meeting, in consequence thereof; the doings of all such meetings heretofore held shall not for any such defective notice or change in officers of said district, or informality aforesaid, be held invalid, but the same are hereby ratified and confirmed. And all taxes laid at any such annual or special meeting, to defray the expenses of such school district, or for any legal purpose, shall be valid and legal, and may be collected in the same manner as if there had been no such defect or informality in the notice or change in the officers of such school district.

Validating proceedings of school district meetings.

Sec. 2. This act shall not affect any suit now pending, and shall take effect from its passage; *provided*, that this act shall not validate the proceedings of any school district meeting which has been warned or called by a minority only of the district committee.

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